



PUBLIC NOTICE

Federal Communications Commission
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DA 05-1106
April 21, 2005

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
AMERICAN PUBLIC COMMUNICATIONS COUNCIL'S PETITION FOR
DECLARATORY RULING AND RULEMAKING REGARDING
IP-ENABLED DIAL-AROUND CALLS FROM PAYPHONES**

WC Docket No. 05-176

Comments Due: May 23, 2005

Reply Comments Due: June 7, 2005

On March 23, 2005, the American Public Communications Council (APCC) filed a petition for a declaratory ruling and rulemaking to establish that payphone-originated Internet Protocol-enabled (IP-enabled) communications are subject to payphone compensation.¹ APCC also requests that its petition be consolidated with, and made part of the record of, the Commission's ongoing IP-Enabled services rulemaking proceeding in WC Docket No. 04-36 and seeks expedited treatment of the petition.²

In its Petition, APCC asks the Commission to issue a declaratory ruling and initiate a rulemaking proceeding to address payphone compensation for dial-around calls involving an IP-enabled component. In its declaratory ruling request, APCC asks the Commission to: (1) affirm its prior rulings and make explicit that PSTN-originated dial-around calls from payphones are subject to the Commission's existing dial-around compensation rules, regardless of whether there is an IP-enabled service provider in the transmission path; and (2) make clear that IP-enabled service providers must comply with the compensation rules to the same extent as any other entity in the transmission path. In its petition for rulemaking, APCC asks the Commission to initiate a rulemaking to amend the compensation rule to ensure that it applies to IP-originated calls.³ APCC contends that a rulemaking is necessary because, while Section 276 clearly

¹ *The Petition for Declaratory Ruling and Rulemaking Regarding IP-Enabled Dial-Around Calls from Payphones* (filed Mar. 23, 2005) (Petition).

² *In the Matter of IP-Enabled Services, Motion to Consolidate and to Expedite*, WC Docket No. 04-36 (filed Mar. 23, 2005) (Motion to Consolidate). We do not rule on the Motion to Consolidate at this time.

³ Petition at 3.

requires that payphone service providers be compensated for the use of their phone regardless of how the payphone happens to be connected to the network, the Commission's evolving framework for IP-enabled communications has not yet addressed the regulatory status of IP-enabled calls.⁴

This Public Notice establishes certain procedural requirements relating to consideration of APCC's Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to Section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on APCC's Petition on or before **May 23, 2005** and reply comments on or before **June 7, 2005**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to FCC@BCPIWEB.COM.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁴ *Id.*

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

For further information regarding this proceeding, contact Denise Coca, Competition Policy Division, Wireline Competition Bureau, (202) 418-0574, or via e-mail denise.coca@fcc.gov.

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